

REMARKS

This paper is responsive to the final Office Action mailed July 17, 2003. In the Office Action, Claims 1, 7-12, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,660,331 to Dahlen et al. or U.S. Patent No. 4,023,684 to Saul. Claims 2-6, 13-17, and 19-20 were deemed to include allowable subject matter. Applicant respectfully requests entry of the foregoing amendments to Claims 1, 12, and 18. The amendments are believed to define the claimed invention over the Dahlen et al. and Saul references and thus place the application in condition for allowance. Applicant respectfully requests allowance of the application in view of the amendments.

In particular, applicant has amended Claim 1 to further clarify that the cantilevered structural support provides a foundation for supporting a freestanding structure. The claimed structural support is not merely an appendage to an existing building for supporting balcony floors, as provided by Dahlen et al., nor is the claimed structural support to be used as a rack for shelves, as provided by Saul. The cantilevered structural support of the present invention provides a foundation for a freestanding structure by way of a counterbalance and an elongate support member attached thereto that extends underneath and supports the freestanding structure.

Dahlen et al. describe a structural tube with cantilever attachments intended to support a balcony structure. The structural tubes cannot stand on their own and, in particular, do not constitute a counterbalance capable of supporting a freestanding structure on their own. The structural tubes must be affixed to a building façade in order to support the balcony structures. See, e.g., the Dahlen et al. patent, at Col. 1, lines 7-10 and 59-62; Col. 2, lines 15-18 and line 67-Col. 3, line 3. In contrast, as recited in amended Claim 1, the present invention includes, among other elements, a counterbalance that is not fixed to a separate building. Amended

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Claim 1 does not read on the Dahlen et al. patent and is patentable over the disclosure of Dahlen et al.

The Saul patent is directed to a rack structure for supporting shelving. The upright standards (2) to which the shelving beams (3) are attached do not stand on their own, nor are they capable of supporting the shelving beams on their own. Rather, horizontal stabilizing base members (4) are affixed at the lower ends of the upright standards (2) in the same direction as the shelving beams (3) to bear against the floor and enable the shelving beams to support a load. See FIGURE 1 of the Saul patent. In contrast, as recited in amended Claim 1, the cantilevered structural support of the present invention does not include a horizontal stabilizing member of this type at the lower end of the counterbalance extending in the same direction as the elongate support member. Amended Claim 1 does not read on the Saul patent and is patentable over the disclosure of Saul.

Similar amendments to Claims 12 and 18 distinguish the claimed invention over the Dahlen et al. and Saul patents. Accordingly, for the same reasons discussed above with respect to Claim 1, Claims 12 and 18 are distinguished over the Dahlen et al. and Saul references, and thus are placed in allowable condition.

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Applicant thanks the Examiner for the indication of allowable subject matter in Claims 2-6, 13-17, and 19-20. In view of the foregoing remarks and amendments that place the independent claims in allowable condition, all dependent claims are believed to be presently allowable. Entry of this amendment and allowance of the application is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to **Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: September 17, 2003

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